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PROPOSED LEGISLATION, "NATIONAL TREE TRUST ACT OF 1990"

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A LEGISLATIVE PROPOSAL TO AUTHORIZE THE PRESIDENT TO DESIGNATE A PRIVATE NONPROFIT FOUNDATION AS ELIGIBLE TO RECEIVE FUNDS FOR THE PURPOSE OF PROMOTING COMMUNITY TREE PLANTING AND CULTIVATION PROJECTS; TO AUTHORIZE THE SECRETARY OF AGRICULTURE TO ESTABLISH A RURAL TREE PLANTING PROGRAM AND A COMMUNITY TREE PLANTING PROGRAM; AND FOR OTHER PURPOSES.

MARCH 22, 1990.—Message and accompanying papers referred to the Committee on Agriculture and ordered to be printed

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To the Congress of the United States:

Today I am pleased to transmit a legislative proposal entitled the "National Tree Trust Act of 1990." This proposal is a key part of my "America the Beautiful" initiative, and it would enhance the growing partnership between the public and private sectors to plant trees across America. Also transmitted is a section-by-section analysis.

President Theodore Roosevelt began this century by directing the Nation's attention to the protection of valuable public lands—America's treasure trove of parks, wildlife refuges, forests, and rangelands. As the end of the century approaches, it is appropriate that this final decade be one in which conservation, enhancement, and protection of our irreplaceable national assets rise to the forefront of national concerns. With this as our goal, my FY 1991 Budget proposes a new initiative—"America the Beautiful." Our initiative reflects my support for appropriate expansion and proper maintenance of the Nation's parks, refuges, forests, and public lands. It is also based on my determination to involve all Americans in strengthening the Nation's natural resources heritage. Finally, this initiative expresses my firm commitment to providing responsible stewardship of the country's heritage for the benefit of generations to come.

My "America the Beautiful" initiative includes three components. *First,* we propose to expand Federal recreational land acquisition that involves activities of the Departments of the Interior and Agriculture. *Second,* the Department of the Interior is undertaking an effort—"Legacy '99"—to enhance resource protection and recreation. *Third,* we propose a national tree planting and forest improvement initiative to be administered by the Department of Agriculture. The first two components will be carried out under existing authorities. The enclosed draft legislation will permit full implementation of the third component.

Trees are one of our most valuable resources. They contribute to the environmental, economic, and social well-being of this country. They enhance biodiversity, wildlife, air and water quality, and recreational opportunities. Trees improve landscape aesthetics and property values, reduce soil erosion, and provide many valuable wood products. They also contribute to energy conservation through the shading and cooling of buildings and by serving as windbreaks.

The proposal I am transmitting to the Congress today authorizes Presidential designation of a private nonprofit Foundation to receive a one-time grant for the purpose of promoting community tree planting and cultivation projects. Second, it authorizes the Secretary of Agriculture to establish a rural tree planting and forest improvement program and a community tree planting and improvement program. Third, it authorizes appropriations to the Sec-

retary of Agriculture for a grant to permit the Foundation to begin its important work.

The Foundation will promote public awareness and a spirit of voluntarism, solicit private sector contributions, and oversee the use of these contributions to encourage tree planting and cultivation projects throughout the United States.

The Foundation will help forge cooperation among individuals, businesses, governments, and community organizations and provide financial assistance to grass-roots volunteers to plant trees. It will help draw national attention to the need for increased planting of trees in our communities where, on average, only one tree is now being planted for every four that die or are removed. It is a program that will reach every State, if not each and every community. All of our citizens will be encouraged to participate in this program.

Enactment of this proposal will permit us to harness the efforts of individuals and organizations to undertake the nationwide planting and cultivation of invaluable trees. The prompt passage of this proposal by the Congress will demonstrate our shared commitment to preserving one of our most valuable natural resources, our precious heritage of trees. Let us ensure that our descendants will be able to share our pride in referring to this land as "America the Beautiful."

GEORGE BUSH.

The White House, *March 22, 1990.*

To authorize the President to designate a private nonprofit Foundation as eligible to receive funds for the purpose of promoting community tree planting and cultivation projects; to authorize the Secretary of Agriculture to establish a rural tree planting program and a community tree planting program; and for other purposes.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Tree Trust Act of 1990".

SECTION 2. FINDINGS.

The Congress finds that --

(1) trees and forests provide beauty and diversity to both rural and urban landscapes;

(2) trees and forests protect the Nation's soil, water, and wetland resources by filtering runoff and preventing erosion;

(3) trees and forests provide food and cover for many species of wildlife;

(4) trees and forests capture and safely store greenhouse gases, thereby reducing the possibility of global climate change;

(5) trees and forests provide shade, block winds, and add moisture to the air, thereby mitigating the urban "heat island" effect and significantly reducing energy use;

(6) trees and forests make important contributions to the environmental, social, and economic well-being of both rural and urban areas across the Nation; and

(7) stewardship of trees and forests could be significantly enhanced by encouraging, promoting, and supporting partnerships and community service projects involving individuals, organizations, businesses, and governments at all levels.

SECTION 3. PURPOSES.

The purposes of this Act are to --

(1) authorize the President to designate a private nonprofit Foundation as eligible for a one-time grant from the Secretary of Agriculture, to be used for promoting

public awareness and a spirit of volunteerism, soliciting private sector contributions, and overseeing the use of these contributions to encourage tree planting projects in communities and urban areas;

(2) promote the principles of basic forest stewardship through the nationwide planting, improvement, and maintenance of trees in order to increase reforestation, enhance the environmental and aesthetic qualities of our Nation's rural and urban areas, and reduce global carbon dioxide levels;

(3) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others, and enter into cost sharing agreements with individuals, for the purpose of encouraging owners of nonindustrial private lands to plant and maintain trees and improve forests in rural areas; and

(4) authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others for the purpose of encouraging units of local government, civic groups, and individuals to plant and maintain trees and improve forests in communities and urban areas.

TITLE I. NATIONAL TREE TRUST

SECTION 101. PURPOSES.

The intent of this title is to provide for a grant to a private nonprofit Foundation to be used for the following purposes --

(1) to promote public awareness and a spirit of volunteerism in support of tree planting and cultivation projects in communities and urban areas nationwide;

(2) to solicit private sector contributions through the mobilization of individuals, businesses, governments and community organizations with the goal of increasing the number of trees planted in communities and urban environments;

(3) to accept and administer private gifts and make grants, including matching grants to encourage local participation, for the planting and cultivating of trees; and

(4) to ensure that our descendants will be able to share their ancestors' pride when referring to their land as America the Beautiful.

SECTION 102. AUTHORITY.

(a) The President is authorized to designate a private nonprofit organization, which for purposes of this title shall be referred to as the "Foundation," as eligible to receive funds pursuant to section 104(a) of this title, upon determining that such organization can, consistent with its charter, carry out the purposes stated in section 101 of this title, and that the officers of such organization have the experience and expertise necessary to direct the activities of the organization.

(b) Nothing in this title shall be construed to make the Foundation an agency or instrumentality of the United States Government, or to make officers, employees, or members of the board of directors of the Foundation officers or employees of the United States.

SECTION 103. FUNDING.

In fiscal year 1991, the Secretary of Agriculture is authorized to make a grant, from funds authorized to be appropriated under title III of this Act, of not to exceed $35,000,000 to the Foundation designated pursuant to section 102.

SECTION 104. GRANT.

(a) Funds made available pursuant to section 103 of this title shall be granted to the Foundation by the Secretary of Agriculture --

(1) to enable the Foundation to carry out the purposes specified in section 101 of this title; and

(2) for the administrative expenses of the Foundation.

(b) Notwithstanding any other provision of law, the Foundation may hold grant funds contributed pursuant to subsection (a) of this section in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in section 101 of this title, and may retain for such program purposes any interest earned on such deposits.

SECTION 105. ELIGIBILITY OF THE FOUNDATION FOR A GRANT.

(a) A grant may be made to the Foundation under this Act only if the Foundation agrees to comply with the requirements specified in this title.

(b) The Foundation may use funds provided by this Act only for programs and projects which are consistent with the purposes specified in section 101 of this title.

(c) Officers and employees of the Foundation may not receive any salary or other compensation for services rendered to the Foundation from any source other than the Foundation.

(d) The Foundation shall not issue any shares of stock or declare or pay any dividends.

(e) No part of the funds of the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses. Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses. No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting his or her financial interests or the interests of any corporation, partnership, entity, or organization in which he or she is an officer, director, or trustee, or in which he or she has any direct or indirect financial interest.

(f) The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(g) For the fiscal year in which the Foundation receives the grant awarded under section 104(a) of this title, and for the succeeding five fiscal years, the accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (j) of this section.

(h) The financial transactions undertaken pursuant to this title by the Foundation may be audited by any agency designated by the President for the fiscal year in which the Foundation receives the grant awarded under section 104(a) and for the five succeeding fiscal years.

(i) The Foundation shall ensure --

(1) that each recipient of assistance provided through the Foundation under this Act keeps, for five years after the receipt of such assistance, separate accounts with respect to such assistance and such records as may be reasonably necessary to disclose fully the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, the amount and nature of that portion of the cost of the project or

undertaking supplied by other sources, and such other records as will facilitate an effective audit; and

(2) that the Foundation, the agency designated by the President pursuant to subsection (h) of this section, or any of the Foundation's duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance provided through the Foundation under this title.

(j) Not later than three months after the conclusion of each fiscal year, the Foundation shall publish an annual report for the preceding fiscal year. The report shall include a comprehensive and detailed report of the Foundation's operation, activities, financial condition, and accomplishments under this Act. The Foundation's obligation to publish annual reports pursuant to this subsection shall terminate after publication of the report incorporating the findings of the final audit required by subsection (g) of this section.

TITLE II. ASSISTANCE FOR TREE PLANTING AND FOREST IMPROVEMENT

SECTION 201. RURAL TREE PLANTING AND FOREST IMPROVEMENT PROGRAM.

The Secretary of Agriculture is authorized to establish a rural tree planting and forest improvement program as a special component of the Rural Forestry Assistance Program under section 3 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2102). In implementing this section, the Secretary is authorized to provide financial, technical, and related assistance to State foresters and others for the purpose of assisting nonindustrial private landowners plant, maintain, and improve trees and forests in rural areas. Assistance provided by the Secretary under this section shall emphasize tree planting and forest improvement practices designed to prevent soil erosion, enhance aesthetics and recreational opportunities, improve wildlife habitat, increase timber supplies, reduce the possibility of global climate change, and provide other environmental and economic benefits.

SECTION 202. COMMUNITY TREE PLANTING AND FOREST IMPROVEMENT PROGRAM.

The Secretary of Agriculture is authorized to establish a community tree planting and improvement program as a special component of the Urban Forestry Assistance Program under section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105). In implementing this section, the Secretary of Agriculture is authorized to provide financial, technical, and related assistance to State foresters and others for the purpose of assisting units of local government, civic organizations, and individuals to plant, maintain, and improve trees and forests in

communities and urban areas. Assistance provided by the Secretary under this section shall emphasize tree planting and forest improvement practices designed to improve the efficiency of energy use, enhance aesthetics and recreational opportunities, improve wildlife habitat, moderate temperature extremes, reduce the possibility of global climate change, and provide other general environmental benefits that contribute to social well-being and sense of community.

SECTION 203. COST SHARING.

(a) In carrying out the provisions of this title, the Secretary is authorized to develop and implement a program to encourage the planting, development, management, and protection of trees on nonindustrial private lands. The purposes of such program shall be to encourage landowners to apply practices that will provide for planting of trees on and afforestation of suitable open lands, reforestation of cutover or other nonstocked or understocked forest lands, tree stand improvement practices, including thinning, prescribed burning, and other silvicultural treatments, and forest resources management and protection, so as to provide for the production and maintenance of trees and other forest resources associated therewith.

(b) For the purposes of this section, the term "nonindustrial private land" means non-public land suitable for the planting or cultivation of trees and owned by any private individual, group, Indian tribe or other native group, association, corporation, or other legal entity.

(c) Landowners shall be eligible for cost sharing under this program if they own one thousand acres or less of private forest land, except that the Secretary may approve cost sharing with landowners owning more than one thousand acres of such land if the Secretary determines that significant public benefits will accrue. In no case, however, may the Secretary approve cost sharing with landowners owning more than five thousand acres of private forest land.

(d) In such regulations as the Secretary may promulgate to implement this title, the Secretary shall include guidelines for the administration of this section and shall identify the measures and activities eligible for cost sharing under this section.

(e) Individual tree cultivation and management plans developed by the landowner shall be the basis for agreements between the landowner and the Secretary under this section. Such plans may, as determined appropriate by the Secretary, be developed in cooperation with, and be approved by, the State Forester or equivalent State or local official. The Secretary shall encourage use of private professional forestry or tree cultivation agencies, consultants, organizations, and firms to

the extent feasible for the preparation of individual tree cultivation and management plans.

(f) In return for the agreement by the landowner, the Secretary shall agree to share the cost of implementing those practices and measures set forth in the agreement for which the Secretary determines that cost sharing is appropriate. The portion of such cost (including labor) to be shared shall be that portion that the Secretary determines is necessary and appropriate to implement the practices and measures under the agreement, but not more than 75 percent of the actual costs incurred by the landowner. The maximum amount any individual may receive annually under the program authorized by this section shall be determined by the Secretary by regulation.

(g) The Secretary shall, for the purposes of this title, allocate funds available for cost sharing among the States after assessing the public benefit incident thereto, and after giving appropriate consideration to the acreage of private land in each State suitable for the cultivation of trees, the number of ownerships eligible for cost sharing in each State, and the need for tree planting, reforestation, tree stand improvement, or other tree cultivation or maintenance investments on such ownerships.

(h) The Secretary may, if the Secretary determines that doing so will contribute to the effective and equitable administration of the program authorized by this section, use an advertising and bid procedure in determining the persons or lands in any area to be covered by agreements under this section.

SECTION 204. GENERAL PROVISIONS.

(a) In carrying out this title the Secretary may utilize such of the authority provided in section 10 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109) as the Secretary may deem appropriate and practicable.

(b) The Secretary may issue such regulations as may be necessary to carry out the provisions of this title.

TITLE III. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated $175,000,000 for each of the fiscal years 1991 through 1995 to carry out the provisions of this Act. Of the amount appropriated under this title for fiscal year 1991, $35,000,000 shall be used to fund a grant from the Secretary of Agriculture to the Foundation pursuant to section 103 of this Act. All funds appropriated under this title shall remain available until expended.

Section-by-Section Analysis
"National Tree Trust Act of 1990"

Section 1 provides that the Act may be cited as the "National Tree Trust Act of 1990."

Section 2 sets forth seven congressional findings. The first six findings acknowledge the environmental, social, and economic value of trees. The seventh finding is that the stewardship of trees and forests could be significantly enhanced by encouraging and supporting partnerships and community service projects involving individuals, organizations, businesses, and governments at all levels.

Section 3 outlines four purposes of the Act. The first is to authorize the President to designate a private nonprofit Foundation and authorize the Secretary of Agriculture to make a one-time grant to the Foundation to be used for promoting public awareness and a spirit of volunteerism, soliciting private sector contributions, and overseeing the use of these contributions to encourage tree planting projects. The second is to promote the principles of basic forest stewardship through the nationwide planting, improvement and maintenance of trees. The third and fourth, respectively, are to authorize the Secretary of Agriculture to provide increased financial and technical assistance to State forestry agencies and others to encourage tree planting and maintenance in rural areas and in communities and urban areas.

TITLE I. NATIONAL TREE TRUST

Section 101 outlines the purposes of the title. The intent is to provide a grant to a private nonprofit Foundation to be used to (1) promote public awareness and volunteerism for community tree planting and cultivation nationwide, (2) solicit private contributions with the goal of increasing tree planting in communities and urban environments, (3) accept and administer gifts and make grants to encourage local participation in the planting and cultivation of trees, and (4) ensure that our descendants will be able to share their ancestors' pride when referring to their land as America the Beautiful.

Section 102 authorizes the President to designate a private nonprofit organization, referred to as the "Foundation," to carry out the purposes of the title. The Foundation will not be an agency or instrumentality of the United States. Officers, employees, or members of the board of directors of the Foundation will not be officers or employees of the United States.

Section 103 authorizes the Secretary of Agriculture to make a grant of up to $35 million to the Foundation during fiscal year 1991. The grant will be funded from appropriations authorized in title III of the Act.

Section 104 requires the Foundation to use the grant from the Department of Agriculture to carry out the purposes specified in section 101 and for administrative expenses of the Foundation. Notwithstanding any other provision of law, the Foundation is authorized to hold grant funds in interest-bearing accounts until they are needed. Interest earned on such deposits may be retained by the Foundation and used for the purposes specified in section 101.

Section 105 directs that the Foundation must agree to comply with the requirements of the Act before a grant may be made to the Foundation. The Foundation must use funds provided by the Act only for the purposes specified in section 101. Officers and employees may not receive compensation for services rendered to the Foundation from any source other than the Foundation. The Foundation shall not issue shares of stock or declare or pay any dividends. The Foundation is prohibited from lobbying for the purpose of influencing legislation and from intervening in any political campaign. Accounts of the Foundation will be audited for the fiscal year in which the grant is received under section 104 and for each of the succeeding five fiscal years. The results of the audit will be included in each of six required annual reports that shall include a comprehensive and detailed statement of the Foundation's operation, activities, and financial condition. The Foundation shall ensure that those who receive assistance from the Foundation under the Act keep such records as may be reasonably necessary to facilitate the annual audits.

TITLE II. ASSISTANCE FOR TREE PLANTING AND FOREST IMPROVEMENT

Section 201 authorizes the Secretary of Agriculture to establish a rural tree planting and forest improvement program as a special component of the Rural Forestry Assistance Program under section 3 of the Cooperative Forestry Assistance Act of 1978. The Secretary would be authorized to provide financial, technical, and related assistance to State foresters and others for the purpose of assisting nonindustrial private landowners plant, maintain, and improve trees and forests in rural areas.

Section 202 authorizes the Secretary of Agriculture to establish a community tree planting and improvement program as a special component of the Urban Forestry Assistance Program under section 6 of the Cooperative Forestry Assistance Act of 1978. The Secretary would be authorized to provide financial, technical, and related assistance to State foresters and others for the purpose of assisting units of local government, civic organizations, and individuals to plant, maintain, and improve trees and forests in communities and urban areas.

Section 201 and 202 would provide increased emphasis and visibility to both rural and urban tree planting under the broad

general authority of the Cooperative Forestry Assistance Act of 1978.

Section 203 sets forth the requirements for cost sharing with private forest landowners. The purpose of cost sharing will be to encourage landowners to plant trees, improve timber stands, and carry out other forest resources management and protection practices. Landowners will be eligible for cost sharing if they own less than 1,000 acres of private forest land. However, the Secretary may approve cost sharing with landowners owning up to 5,000 acres of private forest land, if the Secretary determines that significant public benefits will accrue. Individual tree cultivation and management plans developed by the landowner shall be the basis for cost sharing agreements. The Secretary will determine the portion of costs to be shared by the Federal Government, up to a maximum of 75 percent.

Section 204(a) permits the Secretary to utilize the administrative authority in section 10 of the Cooperative Forestry Assistance Act of 1978, as he deems appropriate, in implementing the special components authorized by sections 201 and 202.

Section 204(b) authorizes the Secretary to issue such regulations as may be necessary to carry out the provisions of title II.

TITLE III. AUTHORIZATION OF APPROPRIATIONS

Title III authorizes the appropriation of $175 million for each of the fiscal years 1991 through 1995 to carry out the provisions of the Act. Of the amount appropriated for fiscal year 1991, $35 million will be used to fund a grant to the Foundation pursuant to section 103. All funds appropriated under this title shall remain available until expended.